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11 Specially Appearing for Defendant
12 CHARMING SHOPPES OF DELAWARE, INC.

13
14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16

17 SHAMEIKA MOODY, as an individual
and on behalf of others similarly situated,

18 Plaintiff,

19 vs.
20

21 CHARMING SHOPPES OF
DELAWARE, INC., a corporation, and
DOES 1 through 20, inclusive,

22 Defendant.
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Case No. C 07-06073 MHP

**[PROPOSED] ORDER GRANTING
DEFENDANT CHARMING SHOPPES OF
DELAWARE, INC.'S MOTION TO
DISMISS FOR LACK OF PERSONAL
JURISDICTION**

Date: February 11, 2008
Time: 2:00 p.m.

[Fed. R. Civ. Proc. 12(b)(2)]

1 After considering Defendant's Motion to Dismiss, any opposition and reply papers, the
2 pleadings and records on file, and any oral argument,

3 IT IS ORDERED that Defendant's Motion to Dismiss this action for lack of personal
4 jurisdiction pursuant to Fed. R. Civ. P. 12(b)(2) is hereby granted for the following reasons:

5 • This Court cannot constitutionally exercise general personal jurisdiction over
6 Defendant. As an out-of-state entity with minimal connections to California, Defendant does not
7 have the "substantial" or "continuous and systematic" contacts with California necessary to
8 establish general personal jurisdiction over it.

9 • Furthermore, this Court cannot exercise specific personal jurisdiction over
10 Defendant because, again, Defendant has insufficient contacts with California. Defendant does
11 not directly conduct any business in California – let alone "purposefully avail" itself of the
12 privileges of doing business in California. Rather, Defendant only performs limited
13 administrative functions in California. Its limited acts do not constitute the transaction of
14 business for purposes of exercising personal jurisdiction over Defendant.

15 • Thus, this Court does not have the constitutional or statutory authority to
16 adjudicate this action as to Defendant, and therefore must dismiss this action brought solely
17 against Defendant.

18 IT IS SO ORDERED:

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20 Dated: _____, 2008

United States District Judge